

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY L. SLAPIKAS and ALICE	)	
B. SLAPIKAS, and IVY FODOR	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Civil Action No. 2:06-CV-00084-JFC
FIRST AMERICAN TITLE	)	
INSURANCE COMPANY,	)	
	)	JUDGE JOY FLOWERS CONTI
Defendant and Third-Party	)	
Plaintiff,	)	
	)	
v.	)	<b>FILED ELECTRONICALLY</b>
	)	
MEZZO LAND SERVICES, LLC,	)	
	)	
Third-Party Defendant.	)	

**PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Local Rule 56.1 and the Court's Case Management Order – Summary Judgment (ECF Doc. No. 214), Plaintiffs Anthony and Alice Slapikas and Ivy Fodor, on behalf of themselves and the certified Plaintiff Class, by their undersigned attorneys, respectfully move the Court to enter partial summary judgment in favor of Plaintiffs and against Defendant First American Title Insurance Company ("First American") on the following two issues.

First, pursuant to Fed. R. Civ. P. 56(a) and 56(d)(1), Plaintiffs move for entry of an order establishing for purposes of this action that the term "when evidence of the earlier policy is produced" as used in the Rate Manual of the Title Insurance Rating

Bureau of Pennsylvania (“Rate Manual”), as in effect during the Class Period of December 19, 1999 through July 31, 2005, shall be deemed to include either a deed to a bona fide purchaser for value or an unsatisfied institutional mortgage recorded within the periods specified in Section 5.3 or 5.6 of the Rate Manual, as applicable..

Second, pursuant to Fed. R. Civ. P. 56(a) and 56(d)(2), Plaintiffs move for partial summary judgment against First American, as to liability alone, with respect to the claim for breach of implied contract set forth in Count II of the Second Amended Complaint (ECF Doc. No. 188).

The Court should grant this Motion because there is no genuine issue of material fact as to the matters addressed in this Motion and Plaintiffs are entitled to partial summary judgment as a matter of law. The grounds upon which the Court should grant this Motion are set forth more fully in Plaintiffs’ Memorandum in Support of Plaintiffs’ Motion for Partial Summary Judgment. This Motion is further supported by Plaintiffs’ Concise Statement of Material Facts and the accompanying Appendix.

Respectfully submitted,

Dated: December 9, 2008

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themselves and all others similarly  
situated